

**BOARD OF ZONING APPEALS**  
**CITY OF MILWAUKEE**

**REGULAR MEETING – July 22, 2004**  
**City Hall, Common Council Committee Room 301-B**

***MINUTES***

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**PRESENT:**

**Chairman:** Craig H. Zetley *(voting on items 1-25 )*

**Members:** Henry P. Szymanski *(voting on items 1-20, 22-25 )*  
Scott R. Winkler *(voting on items 1-25 )*  
Catherine M. Doyle *(voting on items 1-25 )*  
Donald Jackson *(voting on items 1-25 )*

**Alt. Board Members:** Georgia M. Cameron *(voting on items 21 )*

START TIME: 4:17 p.m.

End Time: 9:28 p.m.

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<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	25630 Special Use	Scott Fergus, Key Bridge Group, Inc., Prospective Buyer  Request to construct a multi-unit dwelling with parking located on the street level.	601 E. Ogden Av. A/K/A 1330 N. Jackson St. 3rd Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	25502 Special Use	Urban Developers LLC. Prospective Buyer  Request to construct a parking structure on the premises.	601 W. State St. A/K/A 623 W. State St. / 945 N. 6th St. 4th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
3	25852 Special Use	Pastor R.E. McCrory, Lessee  Request to continue occupying the premises as a day care center for 50 children infant to 12yrs of age, Monday-Friday 5:00 A. M. - Midnight (Previous closing time was 6 p.m.).	2722 W. Highland Bl. 4th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code.</p> <p>5. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies.</p> <p>6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
4	25848 Special Use	Golden Rule Church God In Christ Property Owner  Request to continue occupying the premises as a religious assembly hall.  Action: Granted  Motion: Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.  Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.  Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.  2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.  3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.  4. That all previous conditions of the Board regarding this property are complied with.  5. That this Special Use is granted for a period of time commencing with the date hereof and expiring on July 10, 2010.	2432-34 W. Hopkins St. 6th Dist.
5	25901 Special Use	Kurt Gallatin, Property Owner  Request to continue occupying the premises as a contractor's yard (heating, ventilating, & air conditioning).  Action: Granted 10 yrs.  Motion: Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.  Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.  Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.  2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.  3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.  4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.	3928 W. Fond Du Lac Av. 7th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	25644 Special Use	Alberto Valle, Property Owner  Request to continue occupying the premises as a motor vehicle sales and repair facility with the expansion of the sales area.	2053-59 S. Muskego Av. 8th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> <li>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</li> <li>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</li> <li>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</li> <li>4. That landscaping and screening is implemented and maintained in a manner that meets the intent of city code</li> <li>5. That all work is done inside the building</li> <li>6. That there is no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.</li> <li>7. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.</li> <li>8. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</li> <li>9. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</li> <li>10. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</li> </ol>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
7	25884 Special Use	Misbah Assad, Lessee  Request to continue occupying the premises as a general retail establishment.	2100 W. Grant St. 8th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That all previous conditions of the Board regarding this property are complied with, specifically that signage be reduced to the previously approved maximum of 40 square feet and a height of 2 feet. Signage must be reduced to these levels within 60 days of the approval of this special use.</p> <p>5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
8	25899 Special Use	Taco Bell of America, Inc., Property Owner  Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	3821 S. 27th St. 11th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code</p> <p>5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>6. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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9	25900 Special Use	Mark R. Nimmer, Property Owner  Request to continue occupying the premises as a contractor's shop (heating, ventilating & air conditioning office, showroom, shop & storage facility).	6530 W. Forest Home Av. 11th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
10	25718 Special Use	<p>Speedway SuperAmerica LLC  Ronald L. Edmiston, Treasurer;Property  Owner</p> <p>Request to continue occupying the  premises as a motor vehicle filling station  and convenience store.</p> <p>Action:                   Granted 10 yrs.</p> <p>Motion:                 Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.</p> <p>Vote:                    4 Ayes, 0 Nays, 1 C. Zetley Abstained.</p> <p>Conditions of Approval:</p> <ol style="list-style-type: none"> <li>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</li> <li>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</li> <li>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</li> <li>4. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</li> <li>5. That individually sold cigars, cigarette wrapping paper, Black and Mild cigars, Blunt cigars, glass tubes (i.e. type associated with individually sold flowers) and any other items deemed to be drug paraphernalia, not be sold on the premises.</li> <li>6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</li> <li>7. That a revised landscape and screening plan is submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</li> <li>8. That the petitioner implement all required landscaping and screening within 90 days of the approval of the landscape plan.</li> <li>9. That the applicant does not have outdoor storage or display of products or merchandise.</li> <li>10. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.</li> <li>11. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</li> </ol>	<p>3515 S. 13th St.  A/K/A 1301-03 W. Morgan Ave.  13th Dist.</p>



<b><u>Item No.</u></b>	<b><u>Case No./ Case Type</u></b>	<b><u>Description</u></b>	<b><u>Premises Address/Ald. Dist.</u></b>
11	25861 Special Use	Samson Trusts Venture, Lessee  Request to occupy the premises as a home improvement center (sale of light industrial equipment).	5659 S. 27th St. 13th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
12	25903 Special Use	Tautila Russell, Lessee  Request to occupy a portion of the premises as a day care center for 200 children infant to 12yrs of age, Monday-Friday 6:00AM-Midnight.	4212 W. Highland Bl. 15th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled for the next available hearing.	
13	25760 Special Use	Gary Wheeler, Property Owner  Request to increase the hours from 6:00 a.m. - 6:30 p.m. to 6:00 a.m.-Midnight of the existing day care center for 80 children infant to 12 yrs of age, Monday-Sunday.	6245 W. Fond Du Lac Av. 2nd Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> <li>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</li> <li>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</li> <li>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</li> <li>4. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</li> <li>5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</li> </ol>	

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14	25825 Special Use	Mary Jones, Lessee  Request to occupy the premises as a community living arrangement for 5 developmental disabled residents.	4635 N. 66th St. 2nd Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
15	25858 Special Use	A Place of Refuge Ministries of South WI., Inc., Lessee  Request to occupy a portion of the premises as a second-hand store (clothing).	7624 W. Hampton Av. A/K/A 4807-47 N. 76th St. 2nd Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> <li>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</li> <li>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</li> <li>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</li> <li>4. That the storefront windows remain as clear glass and are maintained in an attractive manner.</li> <li>5. That the applicant has no outdoor display of products or merchandise.</li> <li>6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</li> </ol>	

<b><u>Item No.</u></b>	<b><u>Case No./ Case Type</u></b>	<b><u>Description</u></b>	<b><u>Premises Address/Ald. Dist.</u></b>
16	25892 Special Use	Triple Play Development LLC, Optionee  Request to remodel the existing structure and occupy the premises as a fast-food/carryout restaurant with a drive through facility.	5216 W. Capitol Dr. 2nd Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That a revised landscape plan that meets the intent of city code section 295-405 for Type 'A' landscaping is submitted to the Board of Zoning Appeals, and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>5. That revised signage plans which meet the sign standards of s.295-605 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>6. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code.</p> <p>7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private security personnel if necessary.</p> <p>8. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>9. That the petitioner agrees to work with the Zoning Administration Group staff on facade, elevation, and window glazing plans. The petitioner must submit revised drawings that reflect these changes to the Board of Zoning Appeals for Zoning Administration Group review and approval. Plans submitted to the Plan Examination Section must be consistent with the final Zoning Administration Group approved plan, or no permits will be issued.</p> <p>10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<b><u>Item No.</u></b>	<b><u>Case No./ Case Type</u></b>	<b><u>Description</u></b>	<b><u>Premises Address/Ald. Dist.</u></b>
17	25680 Rehearing Request	Wisconsin Center District, Property Owner  Request for a clarification on the conditions of approval for case No. 25220 (Board approved surface parking lot).	400 W. Wisconsin Av. 4th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned by the petitioner and will be rescheduled for the next available hearing.	
18	25674 Appeal of an Order	Wisconsin Center District, Property Owner  Request to appeal an order of the Department of Neighborhood Service determining that the special use is not operating in conformance with its plan of operation, site plans, and condition of approval.	400 W. Wisconsin Av. 4th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the petitioner and will be rescheduled at the next available hearing.	
19	25415 Special Use	Witzlib Holdings LLC, Property Owner  Request to occupy the premises as a community living arrangement for 5 residents.	7060 N. 124th St. 5th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
20	25612 Special Use	Lynell Daniels & Tiffany Cross Property Owner  Request to occupy the premises as group home for 4 teenage mothers and their children (total of eight persons on site).	3282 N. 46th St. 7th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> <li>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</li> <li>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</li> <li>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</li> <li>4. That no visitors be allowed on site.</li> <li>5. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel.</li> <li>6. That clients of the facility be inside the premises by 9:00 p.m. unless attending school, work, or function associated with this use.</li> <li>7. That the applicant provide a 24-hour contact number to the Board office.</li> <li>8. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.</li> </ol>	
21	25114 Dimensional Variance	All City Communication, Inc. Optionee  Request to replace the existing tower on site with a 150 ft. telecommunications tower.	5900-06 W. Vliet St. 10th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	5 Ayes, 0 Nays, 0 Abstained.	

<b><u>Item No.</u></b>	<b><u>Case No./ Case Type</u></b>	<b><u>Description</u></b>	<b><u>Premises Address/Ald. Dist.</u></b>
22	25441 Special Use	Gracie Vinson, Lessee  Request to occupy the premises as a day care center for 45 children infant to 12 yrs. of age, Monday-Saturday 7:00 a.m. - Midnight.	3821 S. Howell Av. 13th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
23	22918 Special Use	Damaund, Evelyn, and Robert Smith Property Owner  Request to occupy the premises as a Community Based Residential facility (CBRF) for 8 adults (developmentally disabled).	3412 W. Rohr Av. 1st Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
24	24592 Special Use	Scott Wilder, Property Owner  Request to occupy the premises as a community living arrangement for 12 adults.	7412 W. Silver Spring Dr. A/K/A 7410-14 W. Silver Spring Dr. 2nd Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
25	24327 Special Use	Bobbie J. Davis Lessee  Request to occupy the premises as a Community Based Residential Facility (CBRF) for 6 adults (developmentally disabled).	8613 W. Fond Du Lac Av. 2nd Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

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**Other Business:**

Board member Szymanski moved to approve the minutes of the June 24, 2004 meeting. Seconded by Board member Winkler. Unanimously approved.

The Board set the next meeting for July 29, 2004.

Board member Szymanski moved to adjourn the meeting at 9:28 p.m.. Seconded by Board member Winkler. Unanimously approved.

BOARD OF ZONING APPEALS

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Secretary of the Board